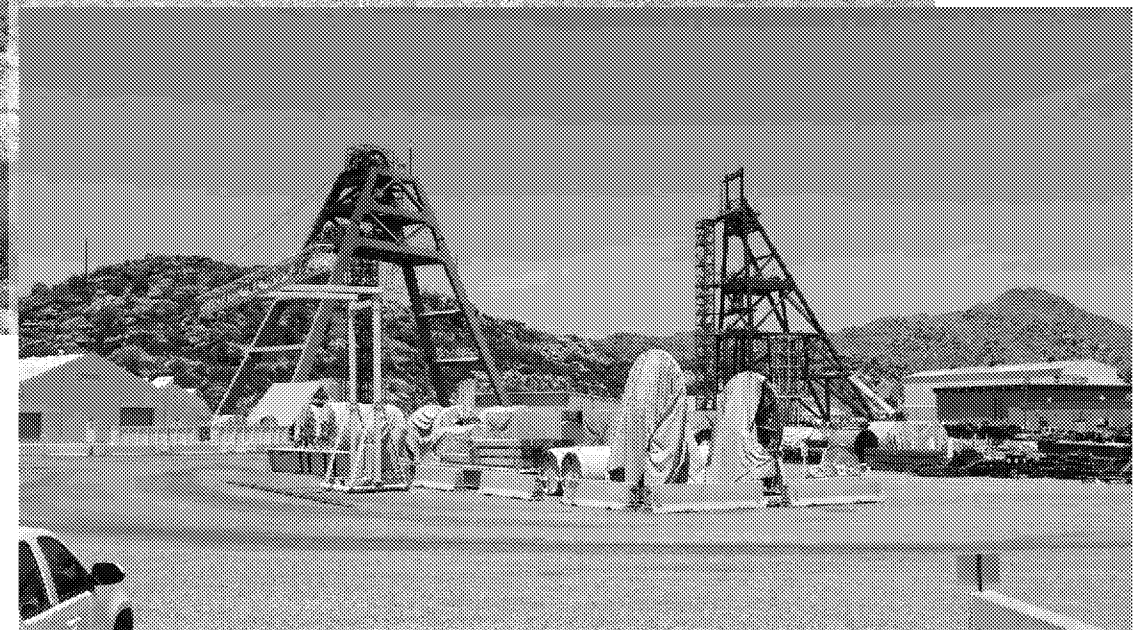


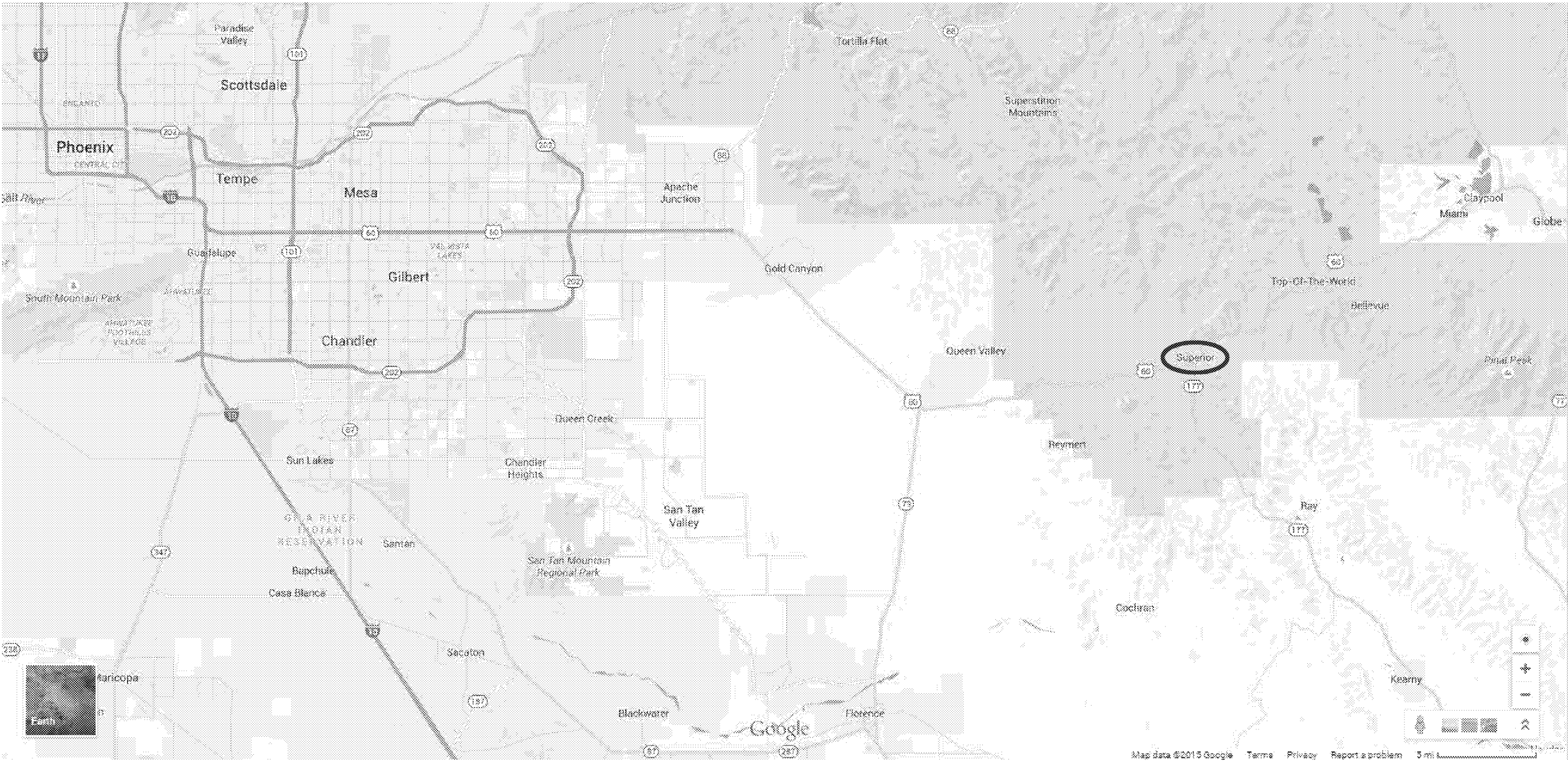
Superior Watershed Discussion

Wednesday, July 29, 2015



Agenda

- Congressional Language - National Defense Authorization Act
- “Frame-up” the NEPA Process
- Orientation/Proposed Mining Plan of Operation
- Discussion Topics
 1. Land Exchange Locations and Values
 2. Tribal Concerns
 3. Water Concerns
- Environmental Impact Statement discussion
- General Timeline
- Thoughts and Issues from other Programs?



[113th Congress Public Law 291]

Public Law 113-291

CARL LEVIN AND HOWARD P. ``BUCK" MCKEON
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2015

An Act

To authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes. <<NOTE: Dec. 19, 2014 - [H.R. 3979]>>

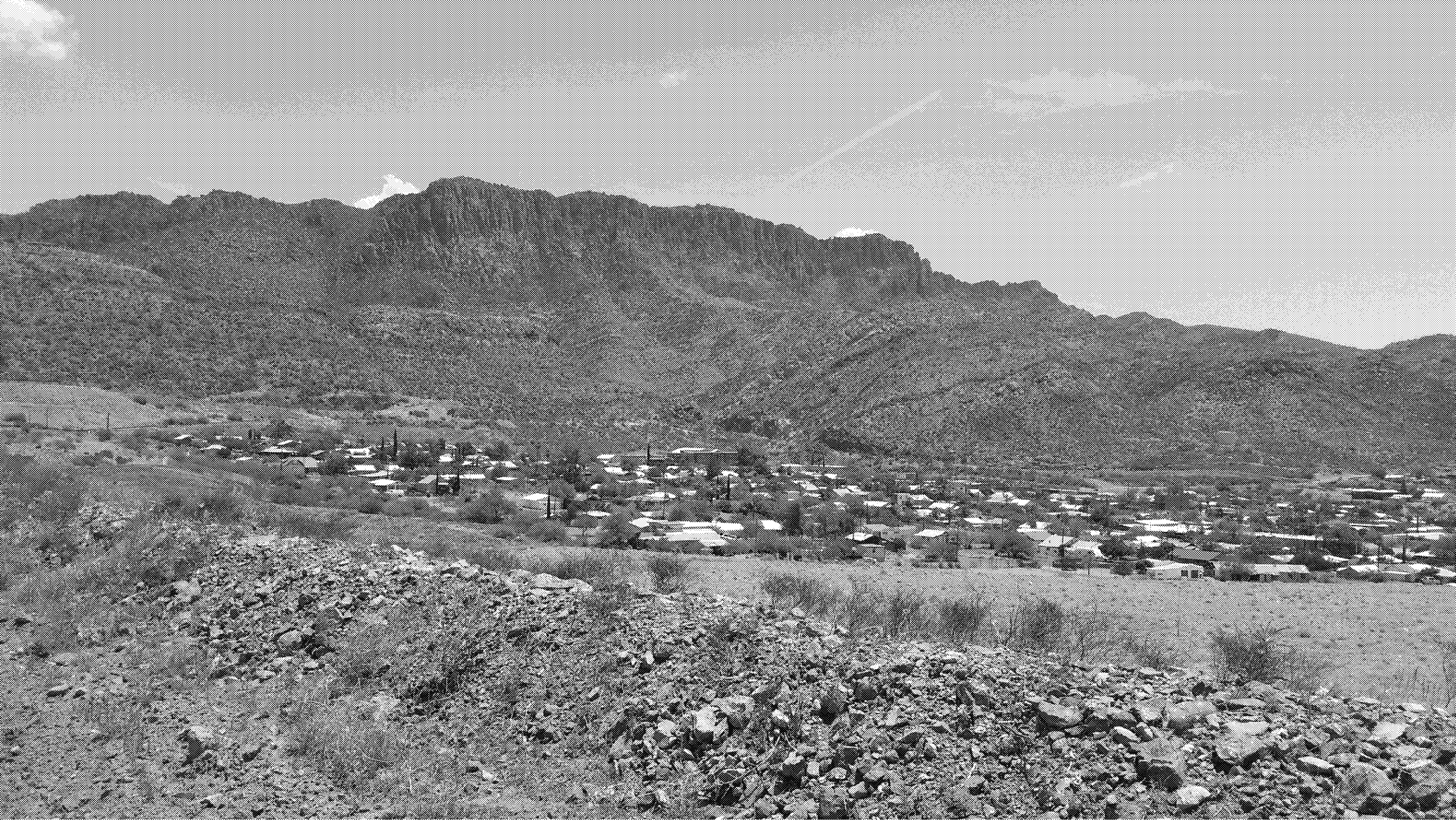
SEC. 3003. SOUTHEAST ARIZONA LAND EXCHANGE AND CONSERVATION.

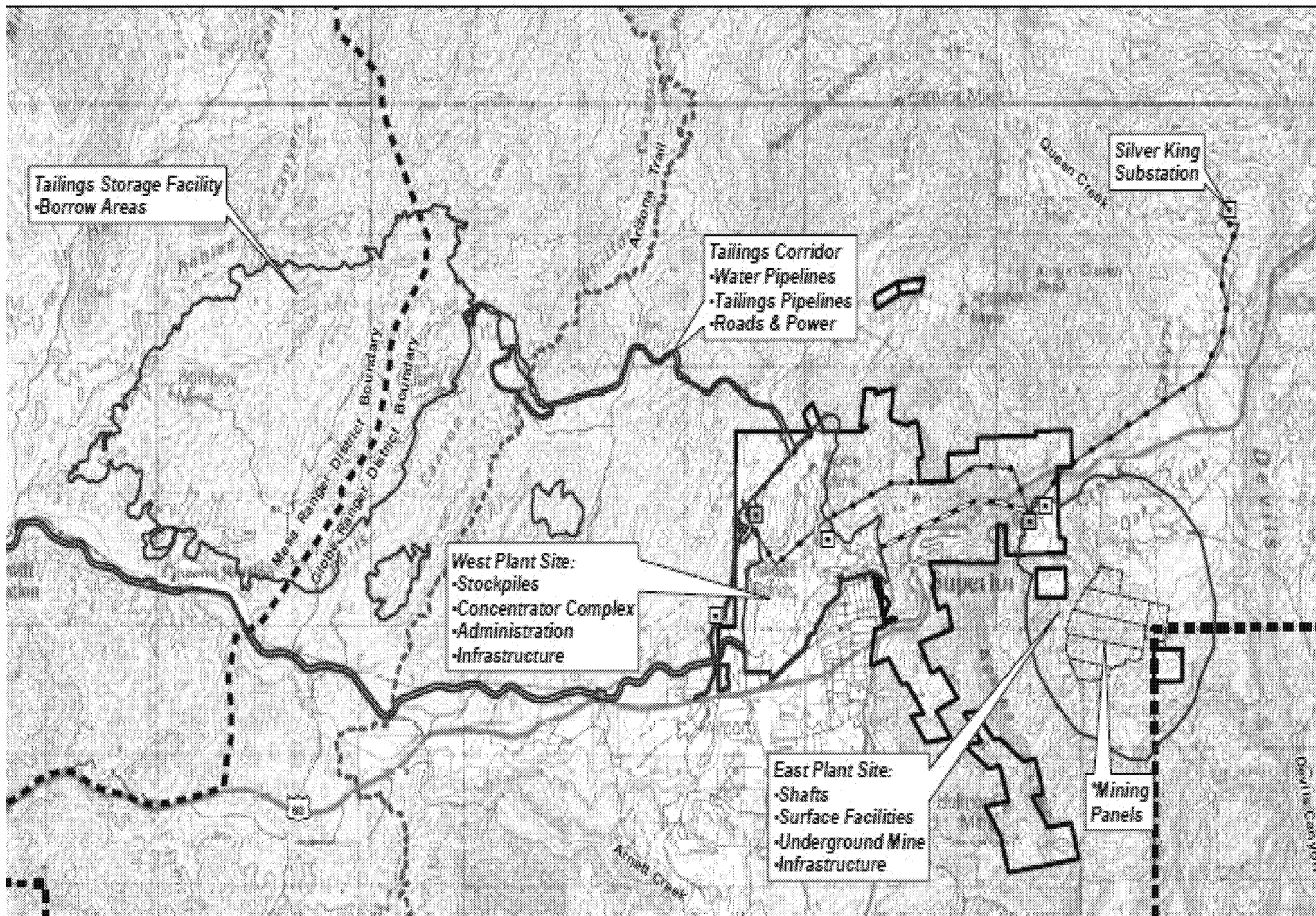
(a) Purpose.--The purpose of this section is to authorize, direct, facilitate, and expedite the exchange of land between Resolution Copper and the United States.

Resolution Copper Mine

- Could potentially be the largest (underground) copper mine in U.S.
- Located near Superior, AZ (about 70 mi. East of Phoenix, AZ).
- Owner/Operator is Resolution Copper Mining, a company owned by Rio Tinto Group and BHP Billiton Ltd.
- Transfer of 2,422 acres in the Tonto National Forest. In return for 5,000+ acres of company property.
- Included in Section 3003 of the December 2014 National Defense Authorization Act.

- Several Indian tribes, particularly the San Carlos Apache, are strongly opposed to the project because it would affect important cultural and sacred sites, as well as water resources.
- Ore body is located near the Tonto National Forest Oak Flat campground, which was withdrawn from mining by President Eisenhower in 1955 (Public Land Order 1229) specifically because it was such a popular recreation area (and it still is).
- Land surface will collapse (gradual subsidence) as a result of the block-cave underground mining technique, leaving a subsidence crater approximately 2 miles wide and 1,000 feet deep.
- Groundwater drawdown impacts could be significant, as RCM plans to pump 12,000 gpm (19,353 af/year).
- Resolution part of the historical Magma Mine – which produced silver and copper from early 1900s to mid-1990s. (Rev GPO, pg. 14)







Legend

-  Magma Mine Road
-  1% Copper Shell @ -750m
-  US Highway 60
-  Resolution Copper Mining
-  Oak Flats Campground
-  Oak Flat Parcel (Mineral Withdrawal)
-  Land Exchange Boundary

A land exchange between Resolution Copper and the federal government is a central component of the proposed mine development at Oak Flat. The exchange, which requires an act of the United States Congress, requires the company to transfer 5,344 acres of privately-held land with conservation value throughout Arizona to the federal government. Resolution Copper would receive surface ownership of 2,422 acres (area with blue outline including Oak Flat) from the Tonto National Forest.

Resolution Copper already owns unpatented mining claims and surface grazing rights for 1,662 acres of the parcel sought for exchange (area within blue outline, excluding Oak Flat). The 760 acres of land at Oak Flat Picnic Area and Campground (area labeled as Oak Flat Parcel) would include mineral ownership rights for Resolution Copper.

Scale

0 0.5 1 1.5 2 2.5 3 3.5 4 4.5 5 5.5 6 6.5 7 7.5 8 8.5 9 9.5 10

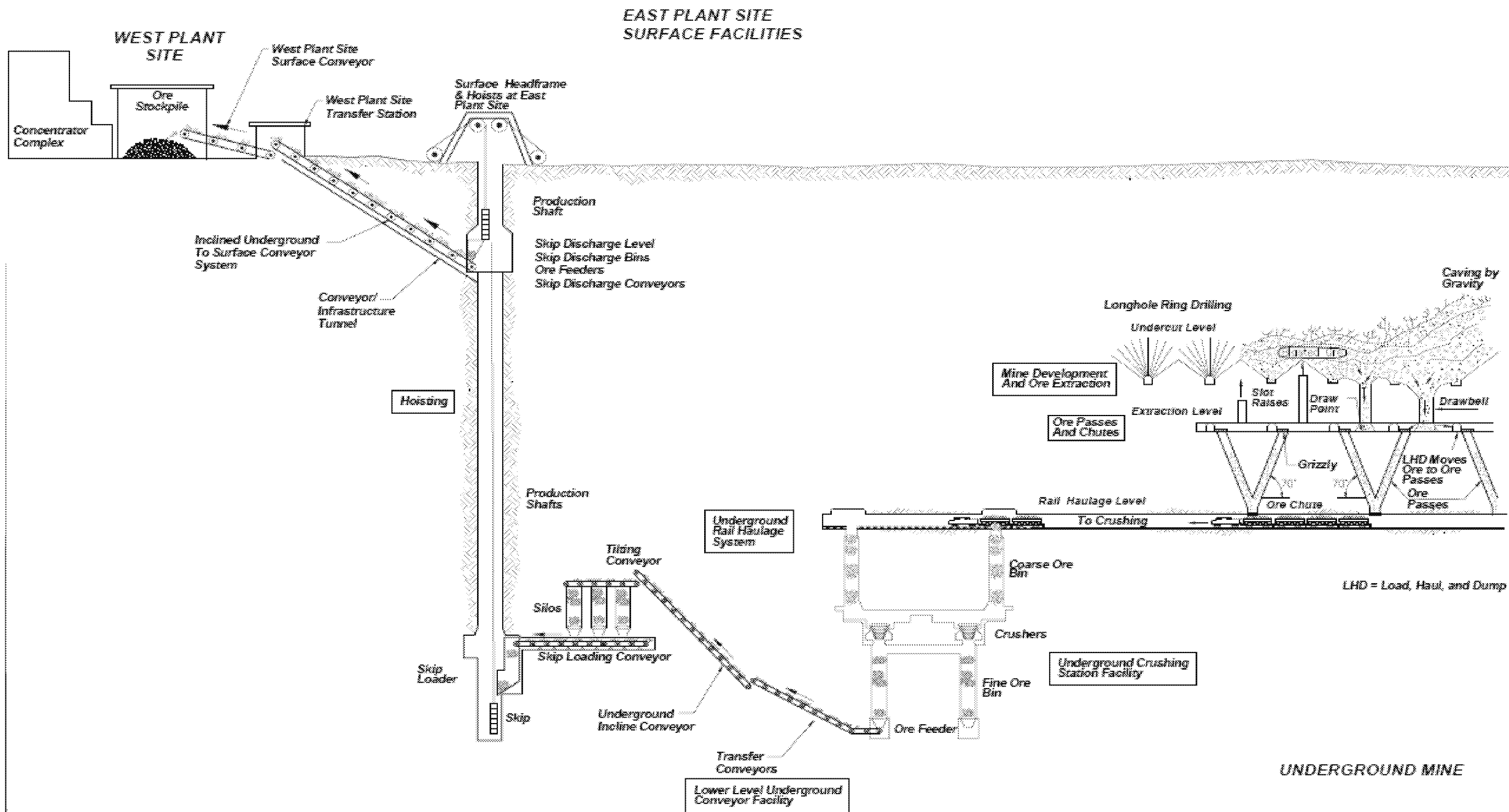
NEPA-related

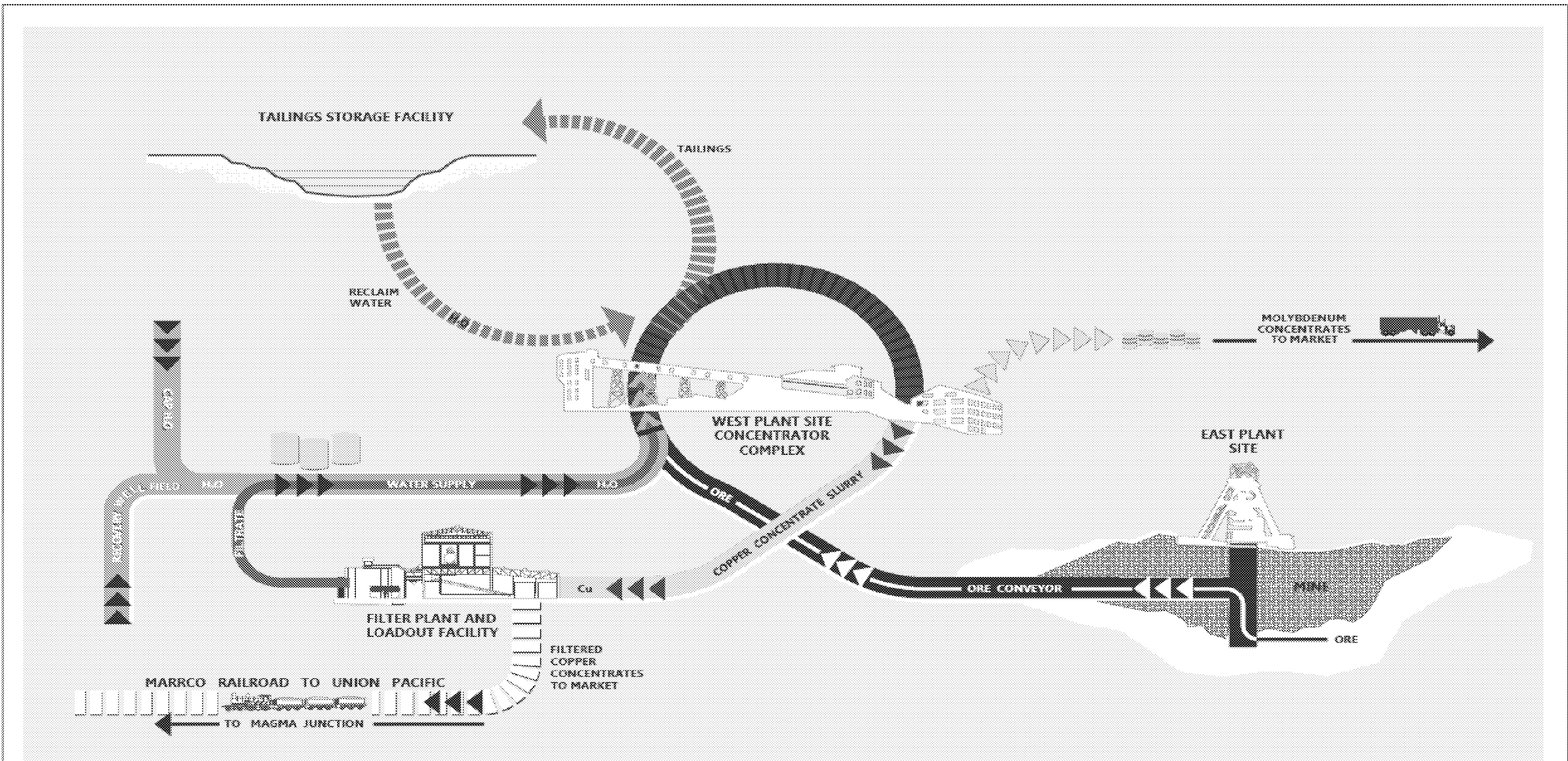
Resolution Mine – U.S. Forest Service EIS

- Although USFS will not have jurisdiction on the new RCM lands, USFS will publish an EIS analyzing the (1.) land exchange and (2.) the mining plan.
- Tailings and certain other facilities will be on Tonto National Forest and BLM lands.
- USFS plans to begin NEPA process in early 2016.
- The land exchange must be completed within 60 days of FEIS publication.

Life of Mine / Employment

- Construction / start-up time is 13 years.
- Approximately 3,800 employees and contractors will be needed during the peak. (Rev GPO, pg. 180)
- Full production for approximately 40 years.
- Staffing estimations are approximately 1,400 direct employees (1,200 employees and 200 contractors). (Rev GPO, pg. 182)
- “On-going reclamation” will begin as soon as practicable and continue throughout.
- Final reclamation is expected to take 5 to 10 years.
- Post-closure care and maintenance would occur for a number of years following the completion of final reclamation. (***This time frame will be further refined during the NEPA process.***) (Rev GPO, pg. 184)





Not To Scale
 Note: This figure is designed to be plotted at 24" x 36".
 All map elements may not be legible at other plot sizes.









Legend

-  Magma Mine Road
-  1% Copper Shell @ -750m
-  US Highway 60
-  Resolution Copper Mining
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Scale





Pinal Mountain



Oak Flat Campground Land Parcel



You Are Here





Land Exchange Parcels – Size and Value

To Resolution from Federal (USFS): 2,422 acres

- i. Oak Flat Campground: 50 acres
- ii. Oak Flat Withdrawal Area: 760 acres

To Federal from Resolution: 5,344 acres to USFS and BLM

i. USFS

- 1. Turkey Creek: 147 acres
- 2. Tangle Creek: 148 acres
- 3. Cave Creek: 149 acres
- 4. East Clear Creek: 640 acres
- 5. Apache Leap South End: 110 acres

ii. BLM

- 1. Lower San Pedro River: 3,050 acres (will be added to San Pedro National Conservation Area)
- 2. Dripping Springs: 160 acres
- 3. Appleton Ranch: 940 acres (will be added to Las Cienegas National Conservation Area)

To Town of Superior from USFS (to pay market value) 545 acres

- i. Cemetery: 30 acres
- ii. Airport: 265 acres
- iii. Airport: 250 acres

Media Coverage

Huffington Post – December 12, 2014



Congress Raids Ancestral Native American Lands With Defense Bill

Posted: 12/12/2014 5:23 pm EST | Updated: 12/12/2014 12:29 pm EST

WASHINGTON — When Terry Rambler, the chairman of the San Carlos Apache Tribe, woke up Wednesday in Washington, D.C., it was to learn that Congress was deciding to give away a large part of his ancestral homeland to a foreign mining company.

Rambler came to the nation's capital for the White House Tribal Nations Conference, an event described in a press announcement as an opportunity to engage the president, cabinet officials and the White House Council on Native American Affairs "on key issues facing tribes including respecting tribal sovereignty and upholding treaty and trust responsibilities," among other things.

NYT – May 29, 2015

The New York Times | <http://nyti.ms/1HQIKoX>

The Opinion Pages | CONTRIBUTING OP-ED WRITER

Selling Off Apache Holy Land

MAY 29, 2015

Lydia Millet

Tucson

ABOUT an hour east of Phoenix, near a mining town called Superior, men, women and children of the San Carlos Apache tribe have been camped out at a place called Oak Flat for more than three months, protesting the latest assault on their culture.

Climate Progress – July 24, 2015

CLIMATEPROGRESS

HOME CLIMATE ECONOMY HEALTH JUSTICE LGBT WORLD CULTURE SPORTS

ELECTION



Texas Police May Have Edited Dash Cam Footage Of Sandra Bland Arrest



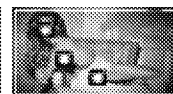
Netherlands Company Introduces Plastic Roads That Are More Durable, Climate-Friendly Than Asphalt



Diabetic Girl Dies In Her Mom's Arms After Human Smugglers Throw Her Insulin Overboard



This Dad Can't Bring His 6-Month-Old Daughter Home Because He's Gay



Why Did Instagram Ban 'Curvy?'

CLIMATE

Citing Religious Freedom, Native Americans Fight To Take Back Sacred Land From Mining Companies

BY JACK JENKINS JUL 24, 2015 8:00AM

CREDIT: THOMPSON/REUTERS/JACK JENKINS

Advocates for the protection of Oak Flat protest outside the U.S. Capitol on July 22, 2015.

For generations, members of the Apache Native American tribe have viewed Oak Flat as a holy, sacred place. Located about an hour due east of Phoenix, Arizona, the land has long served as a site for traditional acorn gatherings, burial services, and rite of passage ceremonies for young women. The flat is tucked inside Arizona's Tonto National Forest, and has historically been protected by the federal government.

"It's our sacred land — it's where we come to pray," Carrie Sage Curley, an Apache woman, told ThinkProgress.

But last year, the land quietly became something else: A proposed site for a massive copper mining project spearheaded by Resolution Copper, an organization run by two multinational corporations based in the United Kingdom and Australia.

The aggressive mining operation resulted from a last-minute addition to the National Defense Authorization Act, a "must-pass" military spending bill pushed through in December 2014. The language, which was inserted at the 11th hour by Arizona Senators John McCain (R) and Jeff Flake (R), essentially traded Resolution 2,400 acres of Arizona (including Oak Flat) in exchange for 5,300 acres of private land they already own. The swap is believed to be one of the first instances of federal land being given to a foreign corporation.

Tribal Concerns

- Area considered sacred to the San Carlos Apache and the Fort McDowell Yavapai Nation.
- Apache Leap Special Management Area: 807 acres
 - Resolution gives up mining rights.
- Consultation is required to find mutually acceptable measures.

Mine Water Usage (Rev GPO, pg. 174)

- A current estimate of the total quantity of water needed for the life of the mine is 500,000 ac-ft.
- Resolution Copper has acquired approximately 312,000 ac-ft of renewable long-term storage credits from the CAP, which it has banked for future use at the NMIDD.
- Resolution Copper has also purchased approximately 37,000 ac-ft of renewable long-term storage credits from the Gila River Water Storage LLC, a partnership between the Gila River Indian Community and the Salt River Project.
- Resolution Copper has also been recommended by ADWR to receive an allocation of CAP Non-Indian Agricultural water from the Bureau of Reclamation in the amount of 2,238 ac-ft/year.
- **The current water supply portfolio provides for over 65 % of Resolution Copper's water supply needs over the life of the mine, equivalent to the full requirements for the first 27 years of mine life.**
- Acquisition of the balance of the renewable water supply needed for the full projected 40 years of operations (approximately 170,000 ac-ft, which will not be required for many decades) is expected to be an ongoing process that will continue during permitting, construction, and likely into production.

Water Issues for Discussion

- Impairments

- i. Middle Gila (from Superior west to MG)

- 1. Queen Creek: Cu and Pb

- 2. Arnett Creek: Pb and fluoride

- ii. Gila River (from Superior south)

- 1. Mineral Creek/Devils Canyon: DO, Se, Cu

- Where will mine get ~40,000 acre feet per year?

- i. Impacts to environment

- Where will mine discharge?

- i. Downstream waterbodies are all impaired

- NPS related Projects

- i. Gibson Mine in Pinto Creek (leads to Salt River), near Globe, AZ.

- 1. \$938k NPS funds (3 projects at Gibson Mine)

(9) ENVIRONMENTAL COMPLIANCE.—

(A) IN GENERAL.—Except as otherwise provided in this section, the Secretary shall carry out the land exchange in accordance with the requirements of the National Environmental Policy Act of 1969.

(B) ENVIRONMENTAL ANALYSIS.—Prior to conveying Federal land under this section, the Secretary shall prepare a single environmental impact statement under the National Environmental Policy Act of 1969, which shall be used as the basis for all decisions under Federal law related to the proposed mine and the Resolution mine plan of operations and any related major Federal actions significantly affecting the quality of the human environment, including the granting of any permits, rights-of-way, or approvals for the construction of associated power, water, transportation, processing, tailings, waste disposal, or other ancillary facilities.

(C) IMPACTS ON CULTURAL AND ARCHEOLOGICAL RESOURCES.—The environmental impact statement prepared under subparagraph (B) shall—

- (i) assess the effects of the mining and related activities on the Federal land conveyed to Resolution Copper under this section on the cultural and archeological resources that may be located on the Federal land; and
- (ii) identify measures that may be taken, to the extent practicable, to minimize potential adverse impacts on those resources, if any.

(D) EFFECT.—Nothing in this paragraph precludes the Secretary from using separate environmental review documents prepared in accordance with the National Environmental Policy Act of 1969 or other applicable laws for exploration or other activities not involving—

- (i) the land exchange; or
- (ii) the extraction of minerals in commercial quantities by Resolution Copper on or under the Federal land.

(10) TITLE TRANSFER.—

Not later than 60 days after the date of publication of the final environmental impact statement, the Secretary shall convey all right, title, and interest of the United States in and to the Federal land to Resolution Copper.

NEPA ➡ Environmental Impact Statement Review Process

Mine Plan of Operations originally submitted in 2013 and revised September 2014

What is USFS' "action" to review? (What it "*is*" and what it "*could be*".)

- land exchange
- siting of tailings facility on USFS Tonto National Forest land
- mining activities (that will take place on private land as a result of the land exchange)

Identify EPA associate reviewers early in the process.

EPA's role to not only comment, but also provide recommendations.

- What are EPA program goals?
- How can our comments and recommendations further these goals?

General Timeline

- USFS to release Notice of Intent to perform and EIS in early 2016.
- USFS likely to request for EPA to be a Cooperating Agency.
- Draft EIS
- Comment period (45 days, potential for additional time)
- Final EIS / Draft Record of Decision
- Objection Period (30 days + additional process time)
- Land Exchange commences 60 days after Final EIS.
- USFS Final Record Of Decision

Thoughts and Concerns / Feedback / Additional Information Needed

- Associate Reviewers will be a critical need.

Extra slides (if needed)